

LAURA MAY,

Plaintiff,

vs.

SAINT LOUIS UNIVERSITY,

Defendant.

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CIVIL NO. 08-758-GPM

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Louis University as the correct defendant. The complaint states: “Saint Louis University Hospital, was a corporation, authorized and doing business in the State of Missouri, when they, by and through their agents, servants and employees assumed the care of plaintiff, Laura May.” This allegation does not allege Defendant’s state of incorporation and principal place of business as required to determine its citizenship under 28 U.S.C. § 1332(c)(1). Moreover, Plaintiff’s motion to amend states nothing about the citizenship of Saint Louis University, other than noting in the caption that it is a corporation.

Although it seems likely that Plaintiff will be able to establish jurisdiction by more appropriate allegations, “subject matter jurisdiction must be a matter of certainty and not of probabilities.” *Murphy v. Schering Corporation*, 878 F. Supp. 124, 125-26 (N.D. Ill. 1995).¹ Accordingly, Plaintiff’s motion to amend (Doc. 5) is **GRANTED in part and DENIED in part**. Pursuant to 28 U.S.C. § 1653, Plaintiff is **ORDERED** to file an Amended Complaint **on or before December 1, 2008**, to set forth Defendant Saint Louis University’s citizenship, *i.e.*, its state of incorporation and principal place of business. If Plaintiff fails to file an Amended Complaint in the manner and time prescribed or if, after reviewing it, the Court finds that Plaintiff cannot establish federal subject matter jurisdiction, the Court will dismiss the action for lack of jurisdiction. *See Guaranty Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 59 (7th Cir. 1996) (remanding case because “[l]itigants who call on the resources of a federal court must establish that the tribunal has jurisdiction, and when after multiple opportunities they do not demonstrate that jurisdiction is present, the appropriate response is clear”); *see also Belleville Catering Co. v. Champaign Mkt.*

¹The Court finds Plaintiff’s allegations sufficient to establish the amount in controversy requirement.

Place, L.L.C., 350 F.3d 691, 692 (7th Cir. 2003) (“Once again litigants’ insouciance toward the requirements of federal jurisdiction has caused a waste of time and money.”).

IT IS SO ORDERED.

DATED: 11/14/08

s/ G. Patrick Murphy

G. PATRICK MURPHY
United States District Judge